

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

FIRST BAPTIST FERRY PASS INC,
Plaintiff,

vs.

Case No.: 3:21cv00544/MCR/ZCB

WESTERN WORLD INSURANCE
COMPANY,
Defendant.

ORDER

Presently before the Court is Plaintiff's "Motion to Allow Testimony Via Remote Means Or, In the Alternative, To Allow As Evidence The Declarations In Lieu Of Testimony And Motion to Estop Defendant." (Doc. 46). The motion will be denied without prejudice for failure to follow the Local Rules for the Northern District of Florida.

"Before filing a motion raising an issue," Local Rule 7.1(B) requires "an attorney for the moving party" to "attempt in good faith to resolve the issue through a meaningful conference with an attorney for the adverse party." N.D. Fla. Loc. R. 7.1(B). "An email or other writing sent at or near the time of filing the motion is not a meaningful conference." *Id.* The filed motion "must include a certificate—under a separate heading—confirming that the moving party complied with the attorney-conference requirement of Local Rule 7.1(B) and setting out the results" of the

conferral. N.D. Fla. Loc. R. 7.1(C). Conferrals and certificates “are not required for a motion that would determine the outcome of a case or a claim, for a motion for leave to proceed *in forma pauperis*, or for a motion that properly may be submitted *ex parte*.” N.D. Fla. Loc. R. 7.1(D).

Here, Plaintiff’s motion does not contain a certificate of conferral as required by the Local Rules. Nor is there anything else in the motion indicating that the parties conferred before the motion was filed and discussing the result of that conferral. Additionally, it does not appear that an exception to the conferral requirement applies. *See* N.D. Fla. Loc. R. 7.1(D). Because a certificate of conferral was required and has not been filed, Plaintiff’s motion is procedurally improper.

Accordingly, it is **ORDERED** that Plaintiff’s “Motion to Allow Testimony Via Remote Means Or, In the Alternative, To Allow As Evidence The Declarations In Lieu Of Testimony And Motion to Estop Defendant” (Doc. 46) is **DENIED** without prejudice. Plaintiff shall confer with Defendant regarding the issues raised in Doc. 46 and then file a motion complete with a certificate of conferral as required by the Local Rules.

SO ORDERED this 21st day of February 2023.

/s/ Zachary C. Bolitho
Zachary C. Bolitho
United States Magistrate Judge